

Part B State Annual Performance Report (APR) for FFY 2008**Overview of the Annual Performance Report Development:**

The Rhode Island Department of Education (RIDE) first compiled and analyzed data for the development of the Annual Performance Report (APR)/State Performance Plan (SPP) utilizing the expertise of internal personnel. A draft along with the data was reviewed with the Rhode Island Special Education Advisory Committee (RISEAC). RISEAC advises the Commissioner and Board of Regents for Elementary and Secondary Education on matters concerning: (a) the unmet educational needs of children with disabilities; (b) comments publicly on any rules or regulations proposed by the State regarding the education of children with disabilities; (c) advises the Rhode Island Department of Education in developing evaluations and reporting on data to the Secretary under section 618 of the IDEA; (d) advises the RIDE in developing corrective action plans to address findings identified in Federal Monitoring Reports under Part B of the IDEA; and (e) advises the RIDE in developing and implementing policies relating to the coordination of services for children with disabilities. Membership of the committee is composed of individuals involved in or concerned with the education of children with disabilities. Parents of children with disabilities birth through 26 maintain the majority of the Committee Membership. The Membership also includes individuals with disabilities, teachers, representatives of institutions of higher education, private schools, charter schools, state and local education officials, administrators of programs for children with disabilities foster care and homelessness, vocational, community or business organizations, juvenile and adult corrections and State Child Serving Agencies. The SEAC reviewed the draft and provided suggestions and input. These were incorporated into the final copy of this document. Progress and slippage in meeting the targets in the SPP are discussed in detail in each indicator submitted to OSEP. All indicators are publicly available on the RIDE website at the following link:

http://www.ride.ri.gov/Special_Populations/State_federal_regulations/Default.aspx. Each year RIDE publicly reports per 34 CFR 300.602(b)(1)(i)(A). This year per OSEP, RIDE will publicly report on Indicators 1, 2, 3, 4A, 5, 8, 9, 10, 11, 12, 13, and 14. This, per OSEP, will occur no later than June 2, 2010. The link to access Rhode Island's public reporting information which details the performance of each LEA on the targets in the SPP is: https://www.eride.ri.gov/eride2K5/SPED_PublicReporting/.

Monitoring Priority: Disproportionality

Indicator 10: Percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

(20 U.S.C. 1416(a)(3)(C))

Measurement:

Percent = [(# of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification) divided by the (# of districts in the State)] times 100. $(3/50) \times 100 = 6\%$

In analyzing data for this indicator, the State used its Fall October 2008 Enrollment and December 2008 Child Count for the FFY 2008 SPP/APR submission.

Definition of “Disproportionate Representation” and Methodology

Disproportionate Representation is defined as a risk ratio of 2.5 or higher or less than 0.40 for two consecutive years with a minimum n size of 10 students (step one) plus evidence of policies, procedures,

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and/or practices which result in inappropriate identification (step two). Evidence was collected from multiple sources: record reviews, onsite visits, district submissions in the consolidated resource plan, records of complaints, mediations, and hearings.

Using the criteria established above, the State determined that 23 school districts were identified as meeting the data threshold for disproportionate representation. (Step One)

Determining if Disproportionate Representation is the Result of Inappropriate Identification

The State reviewed the 23 districts identified in step 1 of the FFY 2008 data review as having disproportionate representation to determine whether the disproportionate representation was the result of inappropriate identification. Evidence was collected from multiple sources:

- on-site record reviews which occur both as part of the School Support System of Focused Monitoring and also as part of additional probes in response to disproportionality data.
- onsite visits in which district general education and special education leadership, building principals, special education and general education teaching staff, related service providers, parents, and students are interviewed
- required district submissions of a disproportionality self-assessment and corresponding evidence checklist as a Word document in the Consolidated Resource Plan/Accelerants IDEA application June 2009
- records of complaints, mediations, and hearings.

As a result of its extensive verification process, the State found that three districts were noncompliant with the eligibility and/or evaluation requirements. Accordingly, the State determined that 3 of the 22 districts had disproportionate representation of racial and ethnic groups in special education and related services due to inappropriate identification. These districts were identified for three different disability categories (LD, ED, OHI) for three different racial/ethnic groups (Black, Hispanic, White). Each district was flagged for more than one of those disability categories and more than one racial/ethnic group.

The State held face to face meetings with district leadership including the special education director regarding the findings of noncompliance. The State directed these districts to develop improvement plans and participate in targeted technical assistance to correct the noncompliance. Districts have actively participated in multiple technical assistance sessions which have directly impacted eligibility policies, procedures, and practices. The one year timeline for verifying correction of noncompliance has not yet passed, but RIDE anticipates full correction within the one year time frame.

Actual Target Data for FFY 2008:

| FFY | Measurable and Rigorous Target |
|----------|---|
| FFY 2008 | 0% of LEAs with disproportionate representation of racial and ethnic groups in special education and related services that is the result of inappropriate identification. |

Target Data for FFY 2008:

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Districts with Disproportionate Representation of Racial and Ethnic Groups in Specific Disability categories that was the Result of Inappropriate Identification

| Year | Total Number of Districts | Number of Districts with Disproportionate Representation | Number of Districts with Disproportionate Representation of Racial and Ethnic Groups in specific disability categories that was the Result of Inappropriate Identification | Percent of Districts |
|----------------------|---------------------------|--|--|----------------------|
| FFY 2008 (2008-2009) | 50 | 23 | 3 | 6.00% |

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2008:

Progress in the area of disproportionate representation due to inappropriate identification practices is likely due to continued emphasis on and attention to the issue in statewide technical assistance, the School Support System of Focused Monitoring, the annual Consolidated Resource Plan/Accelerants IDEA submission. LEAs received targeted technical assistance from RIDE in collaboration with the New England Equity Assistance Center, the Rhode Island Technical Assistance Project, and the Northern RI Educational Collaborative. Topics included culturally responsive educational practices, distinguishing cultural and linguistic difference from disability, response to intervention (RtI) initiatives for serving all students with responsive systems of supports and interventions, technical assistance and guidance on the implementation of state regulations for the education of English language learners, and RtI for English Language Learners. Particular attention was given to technical assistance on the impact of acculturation on learning and behavior, tools for conducting file reviews in the areas of ED and OHI, and the use of functional behavioral analysis and implementation of behavior intervention plans. RIDE requested additional technical assistance from the New England Equity Assistance Center which provided further targeted technical assistance to three LEAs with disproportionate representation. Review and revision of SEA policies, procedures, and practices has included the following activities:

- Review and revision of the state basic education plan including Chapter 14 Supports to Students completed June 2009
- Finalization of state criteria for identifying students with learning disabilities June 2009
- Review and revision of the Rhode Island Individualized Education Program (IEP) Guidebook spring 2009
- Drafted and finalized guidance on the implementation of RtI for identifying students with learning disabilities January 2010
- Drafted and finalized guidance on LEA obligations to English Language Learners whose parents waive program placement October 2009

Correction of FFY 2007 Findings of Noncompliance (if State reported more than 0% compliance):

Level of compliance (actual target data) State reported for FFY 2007 for this indicator: 10%

For the 5 districts identified in FFY 2007 that were in noncompliance related to this indicator, the State verified timely correction of noncompliance for 3 districts. In each of the 5 districts, the State: (1) required the LEA to change policies, procedures and/or practices that contributed to or resulted in noncompliance; and (2) required the LEAs to participate in targeted technical assistance to ensure that each LEA is correctly implementing the specific regulatory requirement(s) for which they were found noncompliant.

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| | |
|---|---|
| 1. Number of findings of noncompliance the State made during FFY 2007 (the period from July 1, 2007 through June 30, 2008) | 5 |
| 2. Number of FFY 2007 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) | 3 |
| 3. Number of FFY 2007 findings <u>not</u> verified as corrected within one year [(1) minus (2)] | 2 |

Correction of FFY 2007 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

| | |
|---|---|
| 4. Number of FFY 2007 findings not timely corrected (same as the number from (3) above) | 2 |
| 5. Number of FFY 2007 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction") | 2 |
| 6. Number of FFY 2007 findings <u>not</u> yet verified as corrected [(4) minus (5)] | 0 |

Actions Taken if Noncompliance Not Corrected:

NA

Verification of Correction (either timely or subsequent):

Verification of correction of non-compliance occurred via monitoring of district negotiated agreements and corrective action plans by RIDE. In addition, the New England Equity Assistance Center and the Northern RI Educational Collaborative report to RIDE on targeted technical assistance activities and outcomes for each district.

Correction of Remaining FFY 2006 Findings of Noncompliance (if applicable):

NA

| Data Year | Number of LEAs with Disproportionate Representation | Number of LEAs where Disproportionate Representation was the Result of Inappropriate Identification (Actual Target Data) |
|-------------------|---|--|
| FFY 2006 (Dec 06) | 28 | 10 |

Correction of Any Remaining Findings of Noncompliance from FFY 2005 or Earlier (if applicable):

NA

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Significant Disproportionality is defined as

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- Risk levels for a racial group that are 1% or higher than the national risk for all students;
- A risk ratio that shows that the risk for the group in the district is at least 2.5 times the combined risk for all students in the nation;
- There must be at least 10 students in the category in question;
- The specific criteria must be met for two consecutive years;

LEAs with significant disproportionality were required to review and, if appropriate, revise policies, procedures, and practices in their consolidated resource plans submitted June *each year* and publically report on any such revisions. RIDE has provided a district self-assessment tool and evidence checklist to assist LEAs with this review. Evidence of revised policies, procedures, and practices was also submitted in districts' consolidated resource plans June 2009. LEAs received targeted technical assistance from RIDE in collaboration with the New England Equity Assistance Center and the Northern RI Educational Collaborative on the review and revision of policies, procedures, and practices. In addition, LEAs were required to support Coordinated Early Intervening Services (CEIS) with 15% of their IDEA funds and report on their proposed activities in the consolidated resource plans and ARRA grants submitted June 1, 2009. LEAs are reporting on the number of students receiving CEIS who are subsequently referred to and found eligible for special education and related services through the eRIDE enrollment census. The first data collection was due June 20, 2009 and ongoing data collection is currently happening during this 2009-2010 school year. LEAs received targeted technical assistance from RIDE in cooperation with the Northern RI Educational Collaborative on CEIS. Examination of risk ratio trend data over 3 years shows clear patterns of improvement for Speech/Language, ED, and MR in the form of declining risk ratios. The disability categories of OHI and LD have shifted but not as dramatically statewide.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for FFY 2008 (if applicable):

No revisions at this time.